

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 245 - HB 521**

March 26, 2009

**SUMMARY OF BILL:** Authorizes individuals licensed to carry a handgun to carry the handgun within the boundaries of any public park; within any federal park to the extent permitted by federal law; to carry a handgun at all times on public postsecondary institution premises; to carry the firearm into a restaurant that serves alcoholic beverages, wine or beer if the restaurant has not posted a handgun restriction notice and if the individual does not consume alcoholic beverages provided the restaurant is not an age-restricted venue. A restaurant is defined as an establishment that serves at least one meal a day five days a week except for holidays and vacations. Authorizes individuals licensed to carry a handgun to possess a handgun the entire year while on the premises of any refuge, public hunting area, wildlife management area or, to the extent permitted by federal law, national forest land maintained by the state, if such person is in full compliance with all wildlife laws, rules, and regulations. Requires the Department of Safety to suspend or revoke a handgun carry permit if the permit holder is convicted of possession of a firearm where alcoholic beverages are served.

Authorizes a judge or district attorney general, on-duty or off-duty, to carry a firearm under the same circumstances and conditions as law enforcement officers if the judge or district attorney general has a handgun carry permit or successfully completes, on an annual basis, a peace officer standards and training commission firearms requirement of at least eight hours. This authority does not apply to a judge or district attorney general who is consuming alcohol, is under the influence of beer, an alcoholic beverage, or a controlled substance, or who is not engaged in the official duties of a judge or district attorney general while attending a judicial proceeding. Defines "judge" as a person elected or appointed as a judge in any federal or state trial or appellate court, general sessions court, juvenile court, or municipal court. Does not include a person sitting as a substitute judge, pro tempore judge, a special judge when the judge of record is unable to hold court, or a municipal court judge.

**ESTIMATED FISCAL IMPACT:**

**Decrease State Revenue – Not Significant  
Increase State Expenditures - \$38,200/One-Time**

**SB 245 - HB 521**

**Decrease Local Revenue – Not Significant**  
**Increase Local Expenditures – Exceeds \$50,000/One-Time\***

Assumptions:

- Under current law, it is a Class A misdemeanor for a person to carry a firearm in a public park or in an establishment where alcoholic beverages, beer or wine are served. It is a Class B misdemeanor for a person to carry a firearm in a refuge, public hunting area, wildlife management area unless it is during open hunting season, or in a national forest land maintained by the state. It is a Class B misdemeanor for a person to possess or carry a firearm on the premises of any public postsecondary institution in the state. Punishment is elevated to a Class E felony for a person to possess or carry a firearm with the intent to go armed on school property.
- Current signage in 53 state parks states that firearms are not allowed. The Department of Environment and Conservation (TDEC) estimates approximately three signs per park, for a total of 159 signs. Some signs state that bringing a firearm into a state park is a misdemeanor subject to fine and imprisonment. Many of the signs contain notice of multiple rules, including the prohibition of firearms. Although the bill does not specify that signs will be modified or replaced, it will be necessary for TDEC to change the signs to comply with this legislation to prevent an inconsistency between the signage and state law.
- TDEC will replace 159 signs at a cost of \$240 each. The total cost of sign replacement will be \$38,160 (159 x \$240). TDEC will use existing personnel to replace the signs. There will be no additional costs for labor.
- Some local governments will have to replace similar signage. It is estimated that the cost to local governments statewide to make such changes exceeds \$50,000 one-time.
- There will not be a sufficient decrease in the number of prosecutions for the state or local government to experience a significant decrease in revenue or expenditures.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large initial "J" and a distinct "W".

James W. White, Executive Director

/lsc